

**Exhibit A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
L.E.B. ELECTRIC LTD.,

Plaintiff,

- against -

KINETICS INDUSTRIES INC.,

Defendant.  
-----X

Index No.:

Filed:

**SUMMONS WITH  
NOTICE**

Basis of venue is

CPLR 509

**To the above named Defendant(s):**

Kinetics Industries Inc.  
140 Stokes Avenue  
Trenton, New Jersey 08638

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: October 27, 2021

/s/ Robert A. Sesti  
Robert A. Sesti, Esq.  
SESTI LAW FIRM PC  
*Attorneys for Plaintiff*  
50 Main Street, Ste. 395  
White Plains, New York 10606  
(914) 428-5000

**NOTICE:**

This action seeks reimbursement for the costs and expenses resulting from property damage caused by a manufacturing and/or design defect in a Kinetics Exciter Model: ESR007PMNC2ER purchased by Plaintiff for installation at the Cedar Creek Water Pollution Control Plant, Effluent Screening and Disinfection Facility Improvements Project in the County of Nassau, New York. (See attached Engineering Design Submittal).

The manufacturing and/or design defect caused a fire on or about October 11, 2020. The fire resulted in property damage to the surrounding area of the equipment, including to other newly installed electrical equipment.

The causes of action asserted are for negligent manufacture, negligent design, and breach of warranty. Plaintiff's damages are expected to exceed the sum of \$200,000.00. Plaintiff also seeks to recover its attorney's fees, and the costs and disbursements of this action.

Dated: October 27, 2021

/s/ Robert A. Sesti  
Robert A. Sesti, Esq.  
SESTI LAW FIRM PC  
*Attorneys for Plaintiff*  
50 Main Street, Ste. 395  
White Plains, New York 10606  
(914) 428-5000

Supreme COURT OF THE STATE/CITY OF NEW YORK  
 COUNTY OF NEW YORK ATTORNEY: ROBERT A. SESTI, ESQ.



20211108115403

L.E.B ELECTRIC LTD.  
 - against -  
 KINETICS INDUSTRIES, INC.

Petitioner(s)  
 Plaintiff(s)  
 Respondent(s)  
 Defendant(s)

## AFFIDAVIT OF SERVICE

INDEX#  
 159781 2021  
 DATE OF FILING:

11/17/21

STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

I, PHILIP ROMANO, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in N.J.  
 That on date/time: 11/9/2021 1:22 PM, at 140 STOKES AVENUE TRENTON NJ 08638  
 deponent served within: NOTICE OF E FILE, SUMMONS WITH NOTICE.

☐ Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: KINETICS INDUSTRIES, INC.

☐ Defendant ☐ Respondent ☐ Witness (hereinafter called the recipient) therein named.

## INDIVIDUAL

A ☐By personally delivering and leaving with said KINETICS INDUSTRIES, INC.

and that he/she knew the person so served to be the person mentioned and described in the aforementioned documents.

## CORPORATION

B ☒By delivering to and leaving with KEITH ANDERSONat 140 STOKES AVENUE TRENTON NJ 08638and that he knew the person so served to be PRESIDENT of the corporation.

## SUITABLE AGE

PERSON

C ☐

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:

By delivering a true copy thereof to and leaving with \_\_\_\_\_

a person of suitable age and discretion at \_\_\_\_\_

the said premises being the recipient's ☐ Dwelling/Usual place of abode ☒ Actual place of business within the State of NJ.

## AFFIXING TO

DOOR, ETC

D ☐By affixing a true copy thereof to the door of said premises, the same being the recipient's ☐Dwelling/Usual place of abode ☒ Actual place of business within the State of NJ.

Deponent had previously attempted to serve the above named recipient on/at times documented below/to right:

Deponent spoke with \_\_\_\_\_ who stated to deponent that the said recipient(s)

lived at the aforementioned address, but did not know recipient's place of employment.

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

## MAILING TO

RESIDENCE

E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's dwelling place/usual place of abode at the above address and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service within the State of NJ. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient and mailed on 11/9/2021.

## MAILING TO

BUSINESS

E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's actual place of business at the above address and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service within the State of NJ. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient and mailed on 11/9/2021.

## WITNESS FEE

F ☐

Witness fee of the authorizing traveling expenses and one day's witness fee:

☐ was paid (tendered) to the recipient ☐ was mailed to the witness with subpoena copy.

## MILITARY SERVICE

G ☒

I asked the person spoken to whether defendant was in active military service of the United States or of the State of NJ in any capacity whatsoever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

H ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

## Description of Person Accepting Service:

SEX: M AGE: 51-65 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER: BALDING

## To Be Used Where Electronic Signature Not Available

Served Data:

Subscribed and Sworn to me this

17 day of Nov, 2021

Notary Signature: \_\_\_\_\_

Name of Notary

Commission Expires



## DocuSign Court Approved E-Signature

I, PHILIP ROMANO,

was at the time of service a competent adult, not having direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server

License# Not Applicable

GUARANTEED SUBPOENA SERVICE, INC.

2009 MORRIS AVENUE, SUITE 101

UNION, NJ 07083

Date

11/17/2021